

AN ORDINANCE

BY:



02-0-2092

AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION BY THE DECLARATION OF TAKING METHOD TO OBTAIN FEE SIMPLE TITLE TO: (1) THE REAL PROPERTY GENERALLY KNOWN AS 5025 DERRICK JONES ROAD, COLLEGE PARK, GEORGIA 30349; (2) THE REAL PROPERTY GENERALLY KNOWN AS 5000 SOUTHRIDGE PARKWAY, COLLEGE PARK, GEORGIA 30349; (3) THE REAL PROPERTY GENERALLY KNOWN AS 5099 SOUTHRIDGE PARKWAY, COLLEGE PARK, GEORGIA 30349; AND, (4) THE REAL PROPERTY GENERALLY KNOWN AS 703, 721, 727 AND 739 SULLIVAN ROAD, COLLEGE PARK, GEORGIA 30349, FOR PUBLIC USE IN CONNECTION WITH THE PROPOSED FIFTH RUNWAY PROJECT AT THE WILLIAM B. HARTSFIELD ATLANTA INTERNATIONAL AIRPORT, WITH THE COSTS THEREOF TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 2H26 571001 R21E052096AA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (hereinafter "City"), as owner and operator of the William B. Hartsfield Atlanta International Airport, has undertaken the construction of an additional runway, referred to as the Fifth Runway Project, in an area located south of the Airport in the City of College Park and in unincorporated Clayton County; and

WHEREAS, it was and continues to be necessary for the City to acquire property located in Clayton County to accommodate the Fifth Runway Project; and

WHEREAS, in Section 2.1 of the March 16, 2000 Intergovernmental Agreement between Clayton County and the City of Atlanta, Clayton County has given its consent to the City to acquire by condemnation properties within its jurisdiction for the Fifth Runway Project; and

WHEREAS, the City has been acquiring real property for the Fifth Runway Project from willing property owners through negotiation, pursuant to Resolution No. 01-R-0185, adopted by the Council on February 19, 2001, and approved by the Mayor on February 24, 2001;

WHEREAS, the City has been acquiring real property for the Fifth Runway Project from unwilling sellers through condemnation pursuant to Ordinance No. 01-O-1867, adopted by the Council on December 3, 2001, and approved by the Mayor on December 11, 2001;

WHEREAS, the properties generally known as (1) 5025 Derrick Jones Road, College Park, Georgia 30349, (2) 5000 Southridge Parkway, College Park, Georgia 30349, (3) 5099 Southridge Parkway, College Park, Georgia 30349, and, (4) 703, 721, 727 And 739 Sullivan Road, College Park, Georgia 30349 (collectively hereinafter referred to as "the Properties") are properties required for the Fifth Runway Project which the City has been unable to acquire through negotiation with the Owner(s); and

WHEREAS, pursuant to City of Atlanta Ordinance 01-O-1867, the City Attorney, through her designee, filed an action to condemn the Properties under the declaration of taking method of condemnation, as authorized by O.C.G.A. § 32-3-1, *et seq.*, in the actions styled (1) *City of Atlanta v. California State Teachers' Retirement System, et al.*, in the Superior Court of Clayton County, Civil Action No. 2002-CV-2576-5; (2) *City of Atlanta v. California State Teachers' Retirement System, et al.*, in the Superior Court of Clayton County, Civil Action No. 2002-CV-2574-5; (3) *City of Atlanta v. California State Teachers' Retirement System, et al.*, in the Superior Court of Clayton County, Civil Action No. 2002-CV-2575-6; and (4) *City of Atlanta v. California State Teachers' Retirement System, et al.*, in the Superior Court of Clayton County, Civil Action No. 2002-CV-2577-6 (collectively hereinafter referred to as "Condemnation Actions"); and

WHEREAS, certain condemnees in those Condemnation Actions filed Petitions to Set Aside, Vacate and Annul the Declaration of Taking of the Properties, all of which were filed on July 11, 2002; and

WHEREAS, an Order was entered on November 7, 2002 in the action styled *City of Atlanta v. Yusen Air & Sea Service Holdings, Inc.*, in the Superior Court of Clayton County, Civil Action No. 2002-CV-2423-8, granting a Petition to Set Aside, Vacate and Annul the Declaration of Taking filed on July 1, 2002 for the acquisition of the property generally known as 5074 Southridge Parkway, College Park, Georgia 30337; and

WHEREAS, the Petition to Set Aside, Vacate and Annul the Declaration of Taking filed in the action styled *City of Atlanta v. Yusen Air & Sea Service Holdings, Inc.*, in the Superior Court of Clayton County, Civil Action No. 2002-CV-2423-8 is substantially similar to the Petitions to Set Aside, Vacate and Annul the Declaration of Taking filed and pending in the Condemnation Actions; and

WHEREAS, time is of the essence for the acquisition of the Properties; and

WHEREAS, should the Judge in each of the Condemnation Actions set aside, vacate and anul the declaration of taking regarding each of the Properties, the City will need to file immediately a new Condemnation Action regarding each of the Properties in order to ensure acquisition of the Properties as quickly as possible; and

WHEREAS, it is necessary, pursuant to Section 2-1541(b)(3) of the Atlanta City Code, to authorize the City Attorney to take appropriate legal action to obtain fee simple title to such properties, as hereinafter set forth; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1. That the public necessity for immediately acquiring the properties generally known as (1) 5025 Derrick Jones Road, College Park, Georgia 30349 and being more particularly described in Exhibit A hereto, which is hereby incorporated and made a part hereof by reference; (2) 5000 Southridge Parkway, College Park, Georgia 30349 and being more particularly described in Exhibit B hereto, which is hereby incorporated and made a part hereof by reference; (3) 5099 Southridge Parkway, College Park, Georgia 30349 and being more particularly described in Exhibit C hereto, which is hereby incorporated and made a part hereof by reference; and (4) 703, 721, 727 And 739 Sullivan Road, College Park, Georgia 30349 and being more particularly described in Exhibit D hereto, which is hereby incorporated and made a part hereof by reference (collectively hereinafter referred to as “the Properties”), for said Fifth Runway Project to serve the above stated purposes is hereby declared; and, further, a finding is hereby made that the circumstances are such that it is necessary to proceed with condemnation proceedings by use of the declaration of taking method of condemnation, as authorized by O.C.G.A. § 32-3-1, *et seq.*, and use of that method is hereby authorized for acquisition of each of the Properties.

Section 2. That the City Attorney be and hereby is authorized and the City Attorney or her designee be and hereby is directed in this instance and with respect to each of the Properties to institute condemnation proceedings in the name of the City of Atlanta for the condemnation of said Properties and of every interest therein, for the public uses above set forth, as provided by the Constitution of the State of Georgia and to use the declaration of taking method as provided in the above referenced laws; provided, however, that once the condemnation proceedings have been filed, and should the opportunity for settlement between the parties develop, the Aviation General Manager or his designee, with the advice and coordination of the City Attorney or her designee, is hereby authorized to enter into settlement negotiations and/or agreements in an effort to resolve and/or settle any or all of the condemnation cases.

Section 3. That the Mayor of the City of Atlanta is hereby authorized and directed, to sign, for the City of Atlanta, the Declarations of Taking prepared in connection with the condemnation of each of the Properties.

Section 4. That the cost incurred by the City in connection with the foregoing shall be paid from Fund Account Center No. 2H26 571001 R21E052096AA.

Section 5. That the Chief Financial Officer be and is hereby authorized and directed to make all necessary and proper payments required in connection with the foregoing, upon receipt of a requisition therefore from the Aviation General Manager or the City Attorney and to make all necessary and proper payments in connection with the title searches, appraisals, surveys, specialty reports, closings and/or condemnation actions pursuant to this Ordinance.

LEGAL DESCRIPTION
Parcel No. 418RE

Tract #1

All that tract or parcel of land lying and being in Land Lot 56 of the 13th District of Clayton County, Georgia, and being more particularly described as follows:

BEGINNING at a point at the intersection of the southern right-of-way line of Sullivan Road (80-foot right-of-way) and the western right-of-way line of Derrick Jones Road (50-foot right-of-way); running thence along said right-of-way line of Derrick Jones Road South 00° 37' 39" East (said call being shown on the attached plat as being South 00° 40' 14" West) a distance of 681.75 feet to an iron pin; thence leaving said right-of-way line and running South 88° 47' 02" West (said call being shown on the attached plat as being North 89° 55' 05" West) a distance of 5.00 feet to an iron pin and the TRUE POINT OF BEGINNING.

FROM THE TRUE POINT OF BEGINNING as thus established, running thence South 88° 47' 02" West a distance of 638.47 feet (said call being shown on the attached plat as being North 89° 55' 23" West a distance of 638.39 feet) to an iron pin; thence North 01° 12' 58" West (said call being shown on the attached plat as being North 00° 07' 18" East) a distance of 100.00 feet to an iron pin and cap; thence North 88° 47' 02" East a distance of 181.31 feet (said call being shown on the attached plat as being South 89° 55' 33" East a distance of 181.17 feet) to an iron pin and cap; thence North 00° 37' 26" West for a distance of 761.65 feet (said call being shown on the attached plat as being North 00° 40' 27" East a distance of 761.68 feet) to an iron pin on the southern right-of-way line of Sullivan Road (80-foot right-of-way); thence running along said right-of-way South 69° 54' 39" East (said call being shown on the attached plat as being South 68° 36' 46" East) a distance of 296.00 feet to a point; thence leaving said right-of-way line and running South 60° 36' 45" East a distance of 50.75 feet (said call being shown on the attached plat as being South 59° 18' 53" East a distance of 50.74 feet) to a point; thence South 69° 54' 39" East (said call being shown on the attached plat as being South 68° 36' 46" East) a distance of 106.80 feet to a point; thence South 35° 03' 33" East (said call being shown on the attached plat as being South 33° 45' 40" East) a distance of 66.17 feet to a point; thence South 00° 37' 39" East (said call being shown on the attached plat as being South 00° 40' 14" West) a distance of 634.50 feet to a point and the TRUE POINT OF BEGINNING.

Said parcel designated Tract #1 and being shown as comprising 8.493 acres according to that certain Survey for City of Atlanta dated April 23, 2002, prepared by Patterson & Dewar Engineers, Inc., with the seal of George E. Ingram, Ga. R.L.S. 1980.

Exhibit A

LEGAL DESCRIPTION**Parcel No. 418RE****(CONTINUED)****Tract #2**

All that tract or parcel of land lying and being in Land Lot 56 of the 13th District of Clayton County, Georgia, and being more particularly described as follows:

BEGINNING at a point at the intersection of the southern right-of-way line of Sullivan Road (80-foot right-of-way) and the western right-of-way line of Derrick Jones Road (50-foot right-of-way); running thence along said right-of-way line of Derrick Jones Road South 00° 37' 39" East (said call being shown on the attached plat as being South 00° 40' 14" West) a distance of 681.75 feet to an iron pin; thence leaving said right-of-way line and running South 88° 47' 02" West (said call being shown on the attached plat as being North 89° 55' 05" West) a distance of 5.00 feet to an iron pin; thence North 00° 37' 39" West (said call being shown on the attached plat as being North 00° 40' 14" East) a distance of 634.50 feet to a point; thence North 35° 03' 33" West (said call being shown on the attached plat as being North 33° 45' 40" West) a distance of 66.17 feet to a point; thence North 69° 54' 39" West (said call being shown on the attached plat as being North 68° 36' 46" West) a distance of 106.80 feet to a point; thence North 60° 36' 45" West a distance of 50.75 feet (said call being shown on the attached plat as being North 59° 18' 53" West a distance of 50.74 feet) to a point located on the southern right-of-way line of Sullivan Road (80-foot right-of-way); thence South 69° 54' 39" East along said southern right-of-way line (said call being shown on the attached plat as being South 68° 36' 46" East) a distance of 199.12 feet to a point and the POINT OF BEGINNING.

Said parcel designated Tract #2 and being shown as comprising 0.128 acres according to that certain Survey for City of Atlanta dated April 23, 2002, prepared by Patterson & Dewar Engineers, Inc., with the seal of George E. Ingram, Ga. R.L.S. 1980.

ATL1 #630662 v1

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 80,639 FEET, AN ANGULAR ERROR OF 0.2 SECONDS PER ANGLE, AND WAS ADJUSTED USING THE METHOD OF LEAST SQUARES.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS 4,780.206 FEET.

ANGULAR AND LINEAR MEASUREMENTS WERE OBTAINED USING TOPCON GTS-301
FIELD SURVEY DATE 04/23/02



SULLIVAN ROAD

80' R/W

S68°36'18"E
528.26'

S68°36'46"E
296.00'

S59°18'53"E
50.74'

S68°36'46"E
106.80'

S68°36'46"E 190.12'

S33°45'40"E
66.17'



AREA
TRACT #1=8.493 ACRES
TRACT #2=0.128 ACRES

TRACT #1

2 STORY CONCRETE

TRACT #2

20' ESE
DB 1751, PG 847

90' DRAINAGE ESM'T
DB 1751, PG 847

S89°55'33"E
181.17'

30' INGRESS-EGRESS EASEMENT
DB 319, PG 337

N00°07'18"E
100.00'

N89°55'23"W
638.39'

N89°55'05"W
5.00'

ASPHALT PARKING

S00°40'14"W 634.80'

S00°40'14"W 681.75'

DERRICK JONES ROAD 50' R/W

<p>PATTERSON & DEWAR ENGINEERS, INC. 2685 MILSCOTT DRIVE DECATUR, GA 30031 phone 404-296-5880 ENGINEERS-SURVEYORS-PLANNERS</p>	DATE	04/23/02	<p>SURVEY FOR CITY OF ATLANTA HARTSFIELD-ATLANTA INTERNATIONAL AIRPORT LAND LOT 56 - 13TH DISTRICT - CLAYTON CO. - GEORGIA</p>
	FIELD BY	JMT	
	SCALE	1"=100'	

CONDEMNATION OF A T

LEGAL DESCRIPTION
Parcel No. 416RE

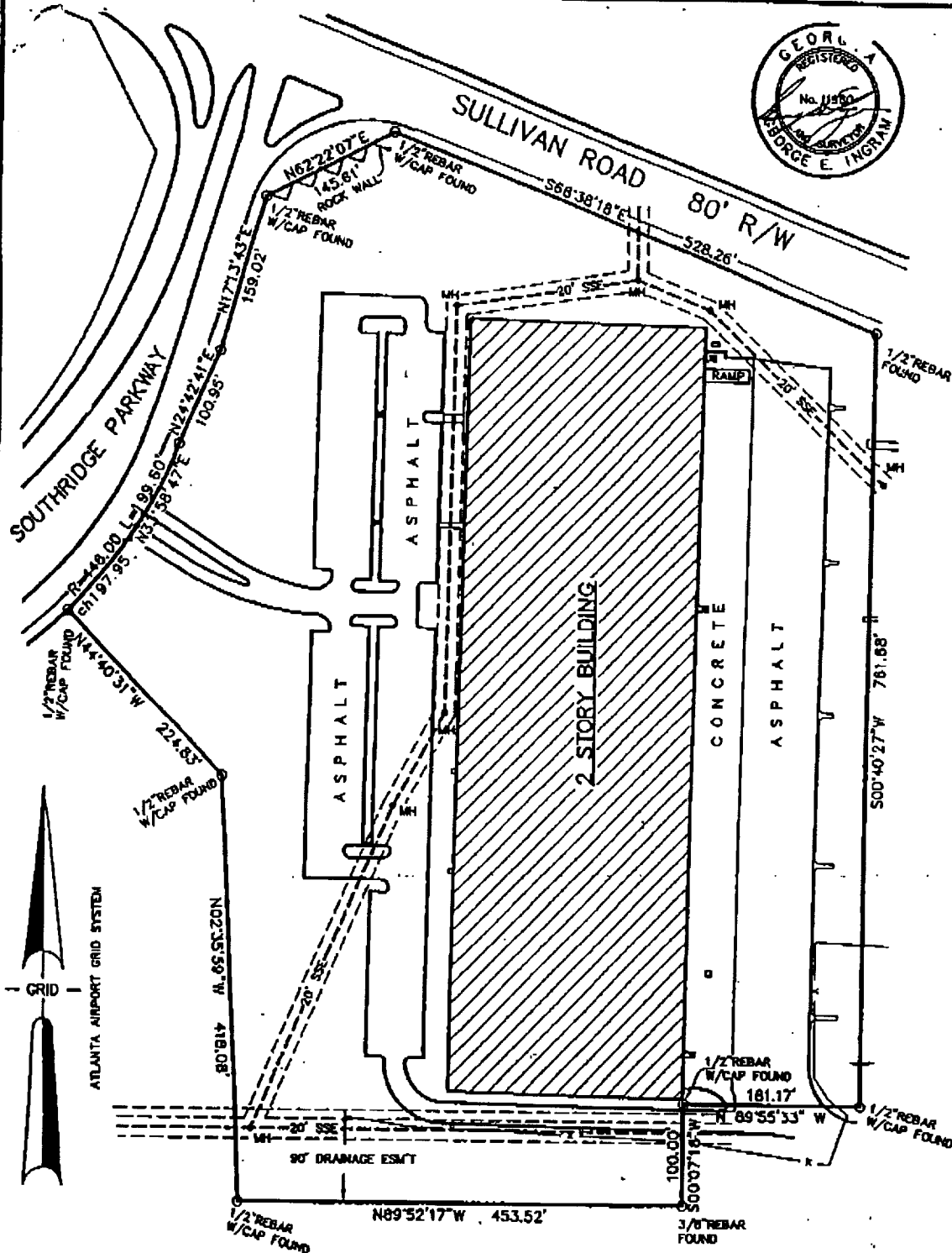
All that tract or parcel of land containing 14.811 acres and lying and being in Land Lot 56 of the 13th District of Clayton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the southerly right-of-way of Sullivan Road (80 foot right-of-way) and the easterly right-of-way of Southridge Parkway (right-of-way varies); thence along the southerly right-of-way of said Sullivan Road South 69° 54' 39" East a distance of 528.13 feet (said call being shown on the attached plat as being South 68° 38' 18" East a distance of 528.26 feet) to an iron pin set; thence leaving said right-of-way South 00° 37' 26" East a distance of 761.65 feet (said call being shown on the attached plat as being South 00° 40' 27" West a distance of 761.68 feet) to an iron pin set; thence South 88° 47' 02" West a distance of 181.31 feet (said call being shown on the attached plat as being North 89° 55' 33" West a distance of 181.17 feet) to an iron pin set; thence South 01° 12' 58" East (said call being shown on the attached plat as being South 00° 07' 18" West) a distance of 100.00 feet to an iron pin set; thence South 88° 47' 02" West a distance of 453.29 feet (said call being shown on the attached plat as being North 89° 52' 17" West a distance of 453.52 feet) to a point; thence North 03° 54' 57" West a distance of 418.40 feet (said call being shown on the attached plat as being North 02° 35' 59" West a distance of 418.08 feet) to a point; thence North 45° 56' 43" West a distance of 224.78 feet (said call being shown on the attached plat as being North 44° 40' 31" West a distance of 224.83 feet) to a point on the easterly right-of-way of said Southridge Parkway; thence along said right-of-way along a curve to the left having a radius of 448.00 feet an arc distance of 199.64 feet to an iron pin set (said arc being subtended by a chord of North 32° 33' 33" East a distance of 198.00 feet) (said call being shown on the attached plat as being a curve having an arc distance of 199.60 feet, a radius of 448.00 feet, a chord distance of 197.95 feet and a chord bearing of North 33° 58' 47" East); thence continuing along said right-of-way North 23° 26' 20" East (said call being shown on the attached plat as being North 24° 42' 41" East) a distance of 100.95 feet to an iron pin set; thence continuing along said right-of-way North 16° 04' 20" East (said call being shown on the attached plat as being North 17° 13' 43" East) a distance of 159.02 feet to an iron pin set; thence continuing along said right-of-way North 61° 04' 21" East a distance of 145.60 feet (said call being shown on the attached plat as being North 62° 22' 07" East a distance of 145.61 feet) to an iron pin set on the southerly right-of-way of said Sullivan Road, said iron pin being the point of beginning.

The above-described property is shown on, and described according to, that survey for Weeks Realty, L.P. & Chicago Title Insurance Company prepared by Pinion & McGaughey Land Surveyors, Inc. (George H. Pinion, Georgia R.L.S. No. 1606), dated March 26, 1998, which certain survey is incorporated herein by this reference and made a part hereof.

Said parcel also being shown as comprising 14.808 acres according to that certain Survey for City of Atlanta dated April 15, 2002, prepared by Patterson & Dewar Engineers, Inc., with the seal of George E. Ingram, Ga. R.L.S. 1980.

Exhibit B



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 58846 FEET, AN ANGULAR ERROR OF 1 SECONDS PER ANGLE, AND WAS ADJUSTED USING THE METHOD OF LEAST SQUARES.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 570381 FEET.

ANGULAR AND LINEAR MEASUREMENTS WERE OBTAINED USING TOPCON GTS-38.
FIELD SURVEY DATE APRIL 12, 2002.

AREA - 14.808 ACRES



CONDEMNATION PLAT

SHEET 1 of 1 DRAWING NO. ATL-117	P PATTERSON & DEWAR ENGINEERS, INC. 2685 MILSCOTT DRIVE DECATUR, GA 30031 phone 404-296-5990 ENGINEERS-SURVEYORS-PLANNERS	DATE 4/15/02	SURVEY FOR CITY OF ATLANTA HARTSFIELD ATLANTA INTERNATIONAL AIRPORT LL 56 13TH DIST CLAYTON COUNTY GEORGIA
		FILED IN FILE	
		DRAWN BY PBA	
		SCALE 1"=100'	

LEGAL DESCRIPTION
Parcel No. 419RE

All that tract or parcel of land lying and being in Land Lot 56 of the 13th District of Clayton County, Georgia, and being more particularly described as follows:

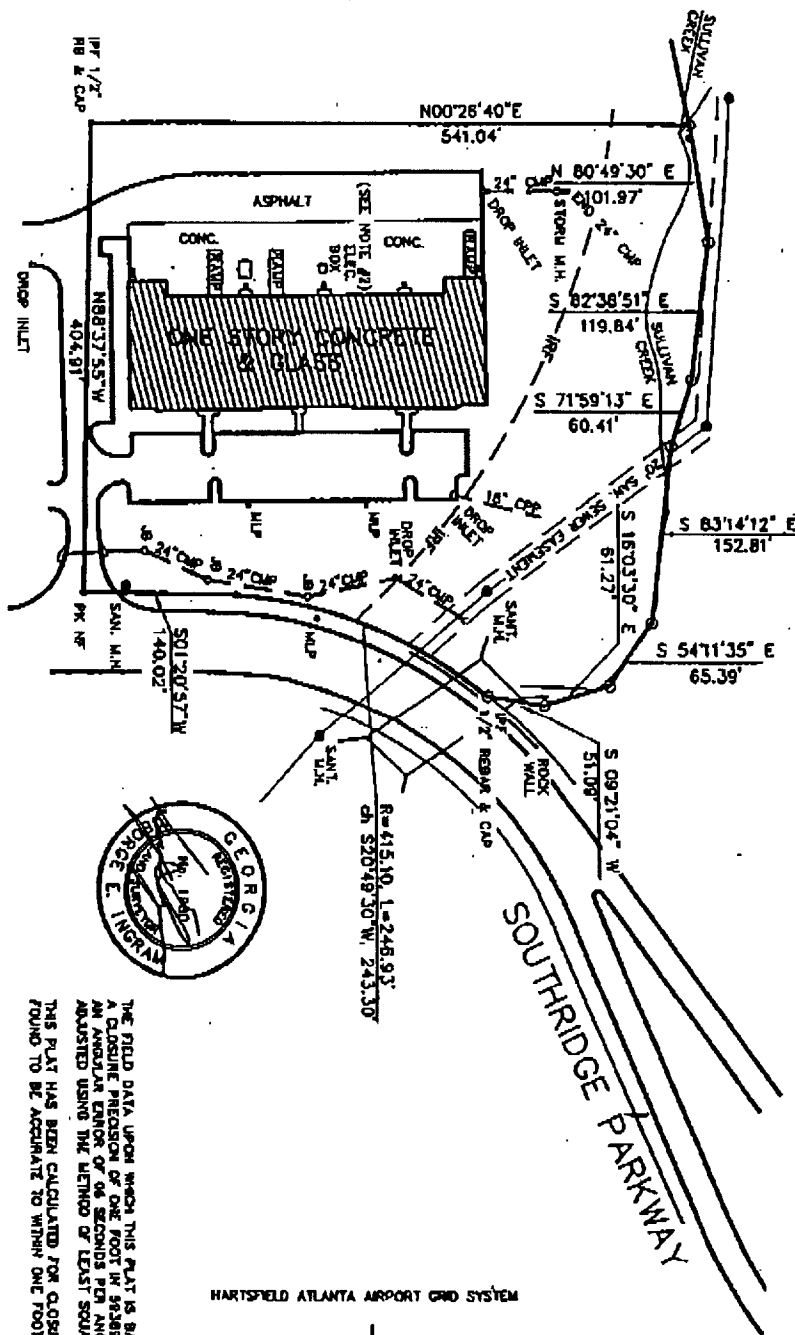
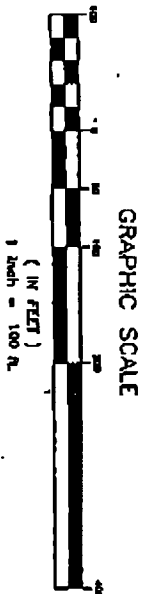
BEGINNING at the southwest corner of Land Lot 56; thence along the south line of Land Lot 56 North 89° 07' 02" East a distance of 600.14 feet to a 1 inch crimp top pipe found; thence North 00° 49' 38" West a distance of 530.60 feet to a ½ inch rebar set and the TRUE POINT OF BEGINNING.

FROM THE TRUE POINT OF BEGINNING as thus established, run thence North 00° 49' 38" West a distance of 540.85 feet (said call being shown on the attached plat as being N 00° 26' 40" East a distance of 541.04 feet) to a ½ inch rebar set; thence North 79° 32' 22" East (said call being shown on the attached plat as being North 80° 49' 30" East) a distance of 101.97 feet to a point; thence South 83° 55' 59" East (said call being shown on the attached plat as being South 82° 38' 51" East) a distance of 119.84 feet to a point; thence South 73° 16' 21" East (said call being shown on the attached plat as being South 71° 59' 13" East) a distance of 60.41 feet to a point; thence South 84° 31' 20" East (said call being shown on the attached plat as being South 83° 14' 12" East) a distance of 152.81 feet to a point; thence South 55° 28' 43" East (said call being shown on the attached plat as being South 54° 11' 35" East) a distance of 65.39 feet to a point; thence South 17° 20' 38" East (said call being shown on the attached plat as being South 16° 03' 30" East) a distance of 61.27 feet to a point; thence South 08° 14' 58" West a distance of 51.05 feet (said call being shown on the attached plat as being South 09° 21' 04" West a distance of 51.09 feet) to a ½ inch rebar set on the westerly right-of-way of Southridge Parkway (R/W varies); thence along said right-of-way along a curve to the left an arc distance of 246.79 feet (said arc being subtended by a chord bearing South 19° 32' 18" West a distance of 240.17 feet and a radius of 415.00 feet) (said call being shown on the attached plat as being a curve having an arc length of 246.93 feet, a radius of 415.10 feet, a chord distance of 243.30 feet and a chord bearing of South 20° 49' 30" West) to a point; thence along said right-of-way South 00° 05' 30" West (said call being shown on the attached plat as being South 01° 20' 57" West) a distance of 140.02 feet to a ½ inch rebar set; thence North 89° 55' 05" West a distance of 404.87 feet (said call being shown on the attached plat as being North 88° 37' 55" West a distance of 404.91 feet) to a ½ inch rebar set and the TRUE POINT OF BEGINNING.

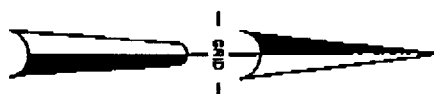
Said tract containing 5.4631 acres of land as shown on Boundary and Above Ground As-Built Survey for USG Annuity & Life Company, Airport Commerce Venture Fund, L.P. & Chicago Title Insurance Company by Pearson & Associates, Inc. dated September 20, 1993, last revised December 8, 1993.

Said parcel also being shown as comprising 5.465 acres according to that certain Survey for City of Atlanta dated April 9, 2002, prepared by Patterson & Dewar Engineers, Inc., with the seal of George E. Ingram, Ga. R.L.S. 1980.

TOTAL ACREAGE = 5.465 ACRES



HARTSFIELD ATLANTA AIRPORT GND SYSTEM



THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSELY PRECISION OF ONE FOOT IN 5000 FEET. AN ANGULAR ERROR OF 60 SECONDS PER ANGLE WAS ADJUSTED USING THE METHOD OF LEAST SQUARES. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 500,000.

NOTES:

- 1) THE LOCATION FROM SURVEY BY PATTERSON & DEWAR ASSOCIATES, INC. DATED 8-20-83, LAST REVISED 12-8-83, REFERRING TO PLAN # 130041 0018 C, DATED 4-18-81.
- 2) GA. POWER CO. EASEMENT - DEED BOOK 1889, PG. 769

SHEET 1 OF 1
DRAWING NO. 44-118

PATTERSON & DEWAR ENGINEERS, INC.
2885 MILSCOTT DRIVE
DECATUR, GA 30031
PHONE 404-296-9990
ENGINEERS-SURVEYORS-PLANNERS

DATE 04/09/02
FILE
DRAWN BY JHT
SCALE 1"=100'

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SURVEY FOR
CITY OF ATLANTA
HARTSFIELD-ATLANTA INTERNATIONAL AIRPORT
LL 56 13TH DIST. CLAYTON COUNTY GEORGIA

CONDEMNATION PLAN

LEGAL DESCRIPTION
Parcel No. 446RE

All that tract or parcel of land lying and being in Land Lot 55 of the 13th District of Clayton County, Georgia, and being more particularly described as follows:

COMMENCING at a 1/2" reinforcing bar at the northerly right-of-way of Sullivan Road (80 foot right-of-way) which is 962.7 feet easterly along said northerly right-of-way of Sullivan Road from its intersection with the centerline of Lee's Mill Road; thence continue easterly 294.58 feet along said northerly right-of-way of Sullivan Road to a 5/8" reinforcing bar at a point which is the POINT OF BEGINNING;

FROM THE POINT OF BEGINNING AS THUS ESTABLISHED, depart said northerly right-of-way of Sullivan Road North 00° 03' 18" West for a distance of 354.40 feet (said call being shown on the attached plat as being North 00° 43' 34" East a distance of 353.87 feet) to a drill hole in pavement; thence North 89° 56' 42" East (said call being shown on the attached plat as being South 89° 25' 37" East) for a distance of 235.00 feet to a point; thence South 00° 03' 18" East (said call being shown on the attached plat as being South 00° 41' 35" West) for a distance of 372.72 feet to a 5/8" reinforcing bar at said northerly right-of-way of Sullivan Road; thence proceed along said northerly right-of-way of Sullivan Road North 87° 21' 49" West (said call being shown on the attached plat as being North 86° 43' 32" West) for a distance of 1.30 feet to the point of curvature of an arc; thence continue along said northerly right-of-way of Sullivan Road 234.45 feet along said arc of a curve to the right having a radius of 3,779.72 feet and a chord bearing North 85° 35' 15" West for a distance of 234.41 feet (said call being shown on the attached plat as being 234.66 feet along the arc of a curve, said curve having a radius of 3,779.72 feet and being subtended by a chord having a length of 234.62 feet and a bearing of North 84° 49' 58" West) to the POINT OF BEGINNING.

Said property contains 1.9680 acres or 85,725 square feet, more or less. Said parcel also being shown on that certain Survey for City of Atlanta dated May 20, 2002, prepared by Patterson & Dewar Engineers, Inc., bearing the seal of George E. Ingram, Ga. R.L.S. 1980.

AND ALSO:

All that tract or parcel of land lying and being in Land Lot 55 of the 13th District of Clayton County, Georgia, and being more particularly described as follows:

COMMENCING at an iron pin on the northerly right-of-way of Sullivan Road (80 foot right-of-way) which is 962.7 feet easterly along said northerly right-of-way of Sullivan Road from its intersection with the centerline of Lee's Mill Road; running thence North 00° 38' 56" West a distance of 937.43 feet to an iron pin; thence North 66° 20'

Exhibit D

59" East a distance of 66.58 feet to an iron pin; thence North 85° 36' 39" East a distance of 288.96 feet to an iron pin; thence South 00° 43' 29" West a distance of 329.48 feet to an iron pin; thence 166.08 feet along the arc of a curve to the right (said curve having a radius of 75 feet and being subtended by a chord having a length of 134.16 feet and a bearing of South 27° 18' 04" West) to a point on the centerline of a 50 foot-wide private drive; thence South 00° 41' 54" West along the centerline of said private drive a distance of 581.48 feet to a point on the northerly right-of-way of Sullivan Road; thence 269.36 feet along the arc of a curve to the right (said curve having a radius of 3,779.72 feet and being subtended by a chord having a length of 269.30 feet and a bearing of North 80° 36' 51" West) back to the POINT OF BEGINNING.

Said tract consisting of 6.940 acres according to that certain Survey for City of Atlanta dated May 2, 2002, prepared by Patterson & Dewar Engineers, Inc., bearing the seal of George E. Ingram, Ga. R.L.S. 1980.

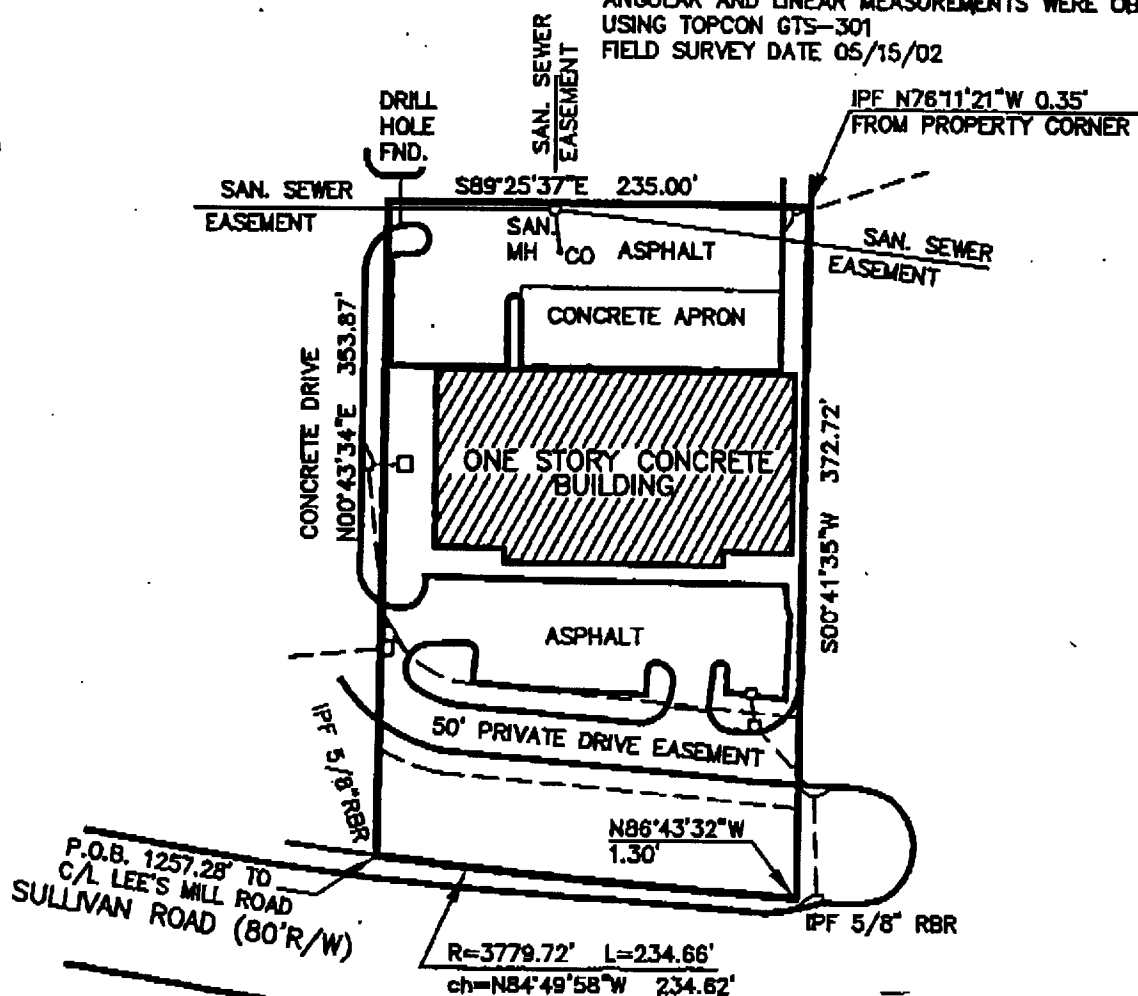
ATL1 #530718 v1



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 39,397 FEET, AN ANGULAR ERROR OF 01 SECONDS PER ANGLE, AND WAS ADJUSTED USING THE METHOD OF LEAST SQUARES.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 364,344 FEET.

ANGULAR AND LINEAR MEASUREMENTS WERE OBTAINED USING TOPCON GTS-301
FIELD SURVEY DATE 05/15/02



EASEMENTS

GA. POWER CO. EASEMENT DB. 28, PG. 271
GA. POWER CO. EASEMENT DB. 34, PG. 390
GA. POWER CO. EASEMENT DB. 206, PG. 471
CLAYTON SEWER EASEMENT DB. 1380, PG. 331

PRIVATE DRIVE EASEMENT DECLARATION OF COVENANTS, CONDITIONS, ESM'T, AND RESTRICTIONS DB. 1527, PG. 152

GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.

ATL-128

PATTERSON & DEWAR ENGINEERS, INC.

2685 MILSCOTT DRIVE
DECATUR, GEORGIA 30031
phone (404) 296-5090

ENGINEERS - SURVEYORS - PLANNERS

DATE 5/20/02

IN FILE

DRAWN BY JHT

SCALE 1"=100'

SURVEY FOR

CITY OF ATLANTA

HARTSFIELD-ATLANTA INTERNATIONAL AIRPORT

LL 55 - 13TH DIST., CLAYTON CO., GA